

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOHN MICHAEL FARNUM,

Petitioner,

vs.

WARDEN ROBERT LEGRAND, *et al.*

Respondents.

2:13-cv-01304-APG-PAL

ORDER

Petitioner, through counsel, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. ECF No. 1. However, the matter has not been properly commenced because there has been no payment of the filing fee or any application to proceed in *forma pauperis*.

Because it appears from the papers presented that a dismissal without prejudice may materially affect a later analysis of any timeliness issue with regard to a promptly filed new action, the action will not be dismissed outright. Instead, petitioner will be given time to pay the filing fee or apply for pauper status.

IT THEREFORE IS ORDERED that petitioner shall have twenty days from entry of this order to either pay the \$5 filing fee or submit a fully completed application to proceed *in forma pauperis*. Failure to comply with this order may result in dismissal of this action.

DATED: July 30, 2013.



UNITED STATES DISTRICT JUDGE